

05-11594
USDC MA
Lindsay

MANDATE

United States Court of Appeals For the First Circuit

No. 06-1289

GERALDINE FAVALORO,
Plaintiff, Appellant,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE, ET AL.,
Defendants, Appellees,

BAYVIEW CREMATORY, LLC A NEW HAMPSHIRE
LIMITED LIABILITY COMPANY, ET AL.,

Defendants.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Before

Richard Cushing Donovan, Clerk, Torruella, Circuit Judge,
Stahl, Senior Circuit Judge,
and Lynch, Circuit Judge.
Deputy Clerk

Date: 4/28/06

JUDGMENT

Entered: April 5, 2006

The district court has not entered a judgment in this case and appellant has not demonstrated that the order from which she appeals, which dismissed all claims against Harvard, is an appealable order. This appeal does not fall into one of the exceptions to the final judgment rule and the district court did not certify this appeal under Fed.R.Civ.P. 54(b).

The motion filed by the President and Fellows of Harvard College requesting dismissal of this appeal for lack of jurisdiction is granted. See 28 U.S.C. § 1291, 1292(b).

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER
Chief Deputy Clerk.

[cc: David H. Charlip, Esq., Lisa DeBrosse Johnson, Esq., Donald R. Frederico, Esq., Edward P. Leibenserger, Esq., Melissa L. Nott, Esq., Dona Feeney, Esq., Andrew R. Schulman, Esq., William P. Smith, Esq., Douglas Alexander Robertson, Esq., William F. Ahern, Jr., Esq., MandiJo Hanneke, Esq.]